

**JOINT**  
**PUBLIC NOTICE**

CHARLESTON DISTRICT, CORPS OF ENGINEERS  
69A Hagood Avenue  
Charleston, South Carolina 29403-5107  
and  
THE S.C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL  
Office of Environmental Quality Control  
Water Quality Certification and Wetlands Programs Section  
2600 Bull Street  
Columbia, South Carolina 29201

REGULATORY DIVISION  
Refer to: P/N #2005-3W-291-C

9 December 2005

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and the S.C. Construction in Navigable Waters Permit Program (R. 19-450, et. seq., 1976 S.C. Code of Laws, as amended), an application has been submitted to the Department of the Army and the S.C. Department of Health and Environmental Control by

**Benjy Hardee**  
**c/o H. Wayne Beam**  
**Beam, Shannon, & Associates**  
**P.O. Box 11863**  
**Columbia, South Carolina 29201**

for a permit to construct a private pier at Lot #100 Gray Heron Drive on the Atlantic Intracoastal Waterway (AIWW) in North Myrtle Beach, Horry County, South Carolina (334817 and 784416).

In order to give all interested parties an opportunity to express their views

**NOTICE**

is hereby given that written statements regarding the proposed work will be received by both of the above mentioned offices until

**12 O'CLOCK NOON, MONDAY, 9 JANUARY 2006**

from those interested in the activity and whose interests may be affected by the proposed work.

The proposed work consists of new construction to an existing pier, which was constructed under a previous permit. The proposed additions include the installation of an 8-ft X 50-ft floating dock and a 12-ft X 12-ft boat lift. The new dock features will not encroach further into the waterway than the existing pier, which is a minimum of 125 feet from the centerline of the AIWW. The proposed boatlift will be constructed in between an existing floating pier an fixed pier, and the new proposed floating dock will be attached to the south side of the existing fixed pier.

**NOTE: Plans depicting the work described in this notice are available and will be provided, upon receipt of a written request, to anyone that is interested in obtaining a copy of the plans for the specific project. The request must identify the project of interest by public notice number and a self-addressed stamped**

**envelope must also be provided for mailing the drawings to you. Your request for drawings should be addressed to the**

**U.S. Army Corps of Engineers  
ATTN: REGULATORY DIVISION  
69A Hagood Avenue  
Charleston, South Carolina 29403-5107**

The work shown on this application must also be certified as consistent with applicable provisions of the Coastal Zone Management Program (15 CFR 930). The District Engineer will not process this application to a conclusion until such certifications are received. This activity may also require evaluation for compliance with the S.C. Construction in Navigable Waters Permit Program. State review, permitting and certification is conducted by the S.C. Department of Health and Environmental Control. The applicant is hereby advised that supplemental information may be required by the State to facilitate the review. Persons wishing to comment or object to State certification or the navigable waters permit must submit all comments in writing to the S.C. Department of Health and Environmental Control at the above address within thirty (30) days of the date of this notice.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Implementation of the proposed project would impact (0) acres of estuarine substrates and emergent wetlands utilized by various life stages of species comprising the red drum, shrimp, and snapper-grouper management complexes. Our initial determination is that the proposed action would not have a substantial individual or cumulative adverse impact on EFH or fisheries managed by the South Atlantic Fishery Management Council and the National Marine Fisheries Service (NMFS). Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

The District Engineer has consulted the most recently available information and has determined that the project will have no effect on any Federally endangered, threatened, or proposed species and will not result in the destruction or adverse modification of designated or proposed critical habitat. This public notice serves as a request to the U.S. Fish and Wildlife Service and the National Marine Fisheries Service for any additional information they may have on whether any listed or proposed endangered or threatened species or designated or proposed critical habitat may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1973 (as amended).

The District Engineer has consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this worksite is not included as a registered property or property listed as being eligible for inclusion in the Register. Consultation of the National Register constitutes the extent of cultural resource investigations by the District Engineer, and he is otherwise unaware of the presence of such resources. Presently unknown archaeological, scientific, prehistorical, or historical data may be lost or destroyed by the work to be accomplished under the requested permit.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to

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the project will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. A permit will be granted unless the District Engineer determines that it would be contrary to the public interest. In cases of conflicting property rights, the Corps of Engineers cannot undertake to adjudicate rival claims.

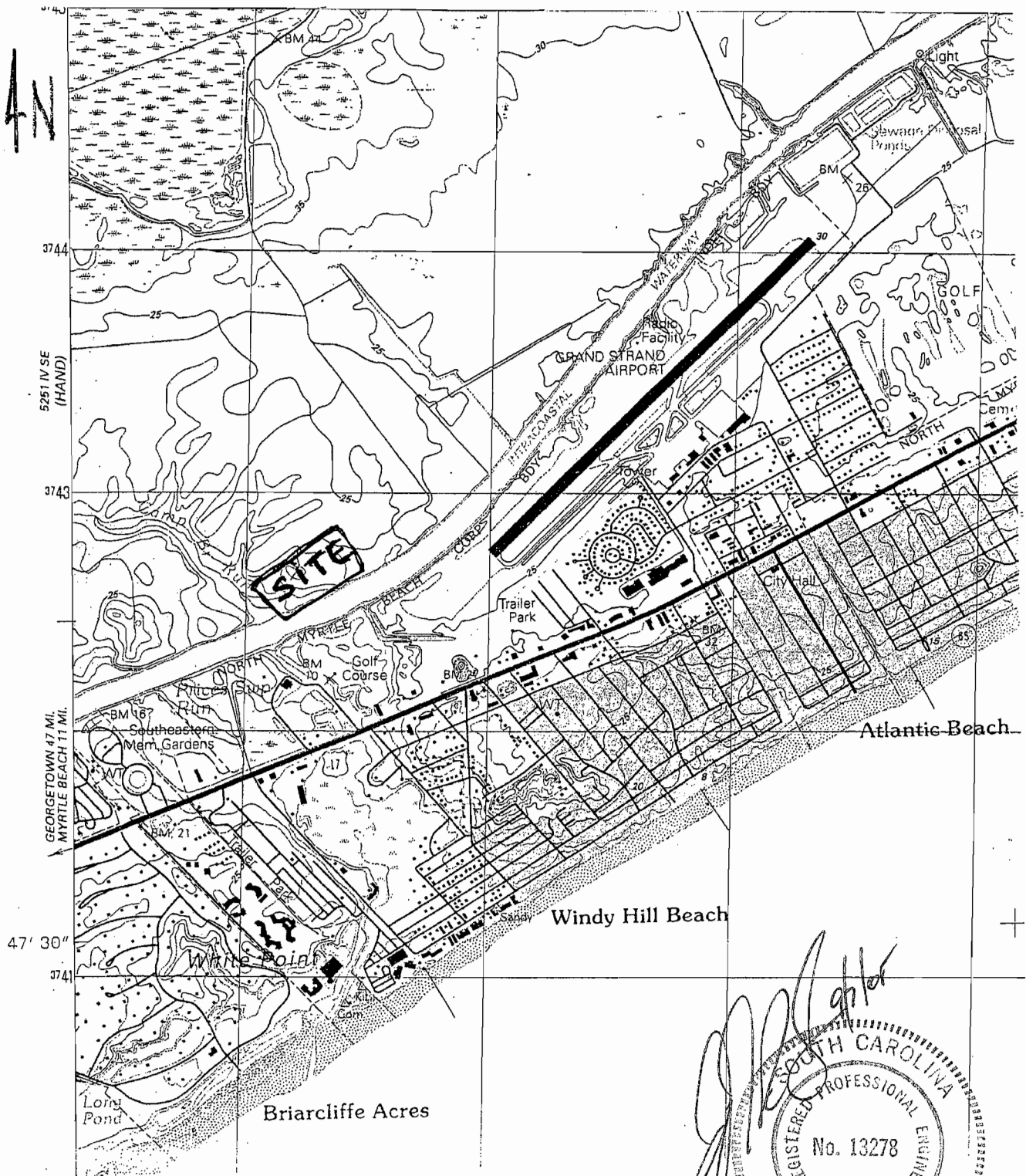
The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

If there are any questions concerning this public notice, please contact me at 843-329-8044 or toll free at 1-866-329-8187.

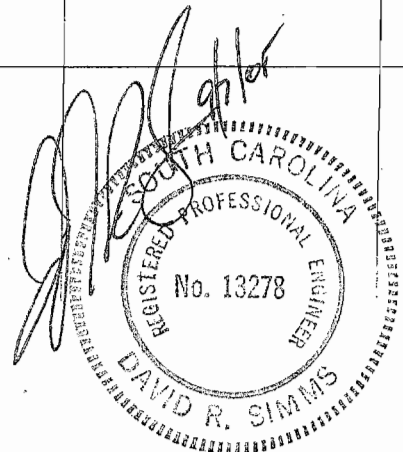
A handwritten signature in black ink, appearing to read "Tracy C. Dotolo". The signature is stylized with a large, sweeping initial "T" and a cursive "C" and "D".

Tracy C. Dotolo  
Project Manager  
Regulatory Division  
U.S. Army Corps of Engineers

AN



SITE LOCATION MAP



APPLICANT:  
Benjy Hardee  
ACTIVITY: Construct Floating  
Dock & Boat Lift

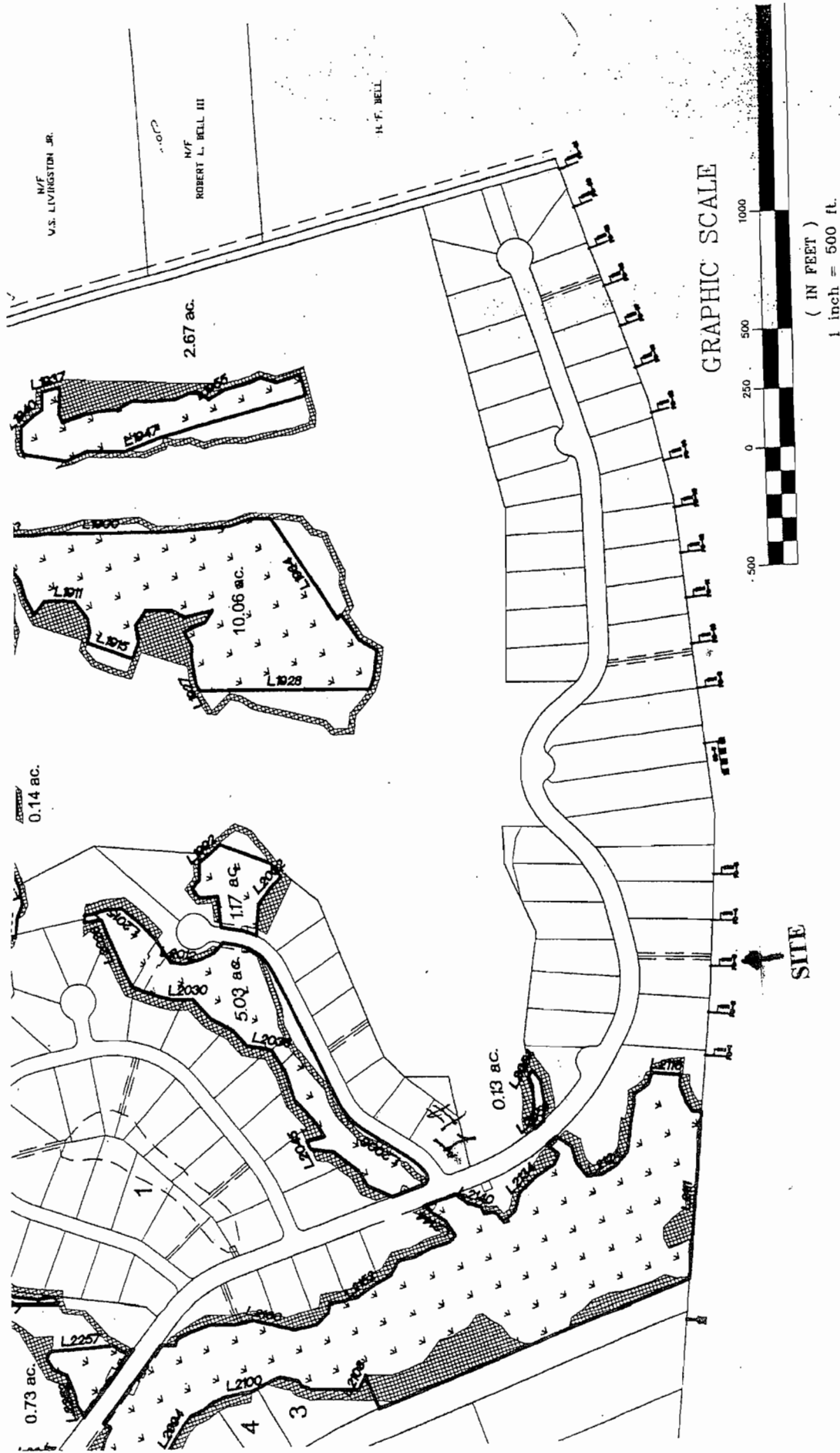
LOCATION: Barefoot Resort

COUNTY: Horry

DATE: 9/7/2005

P/N#

SHEET 1 of 5



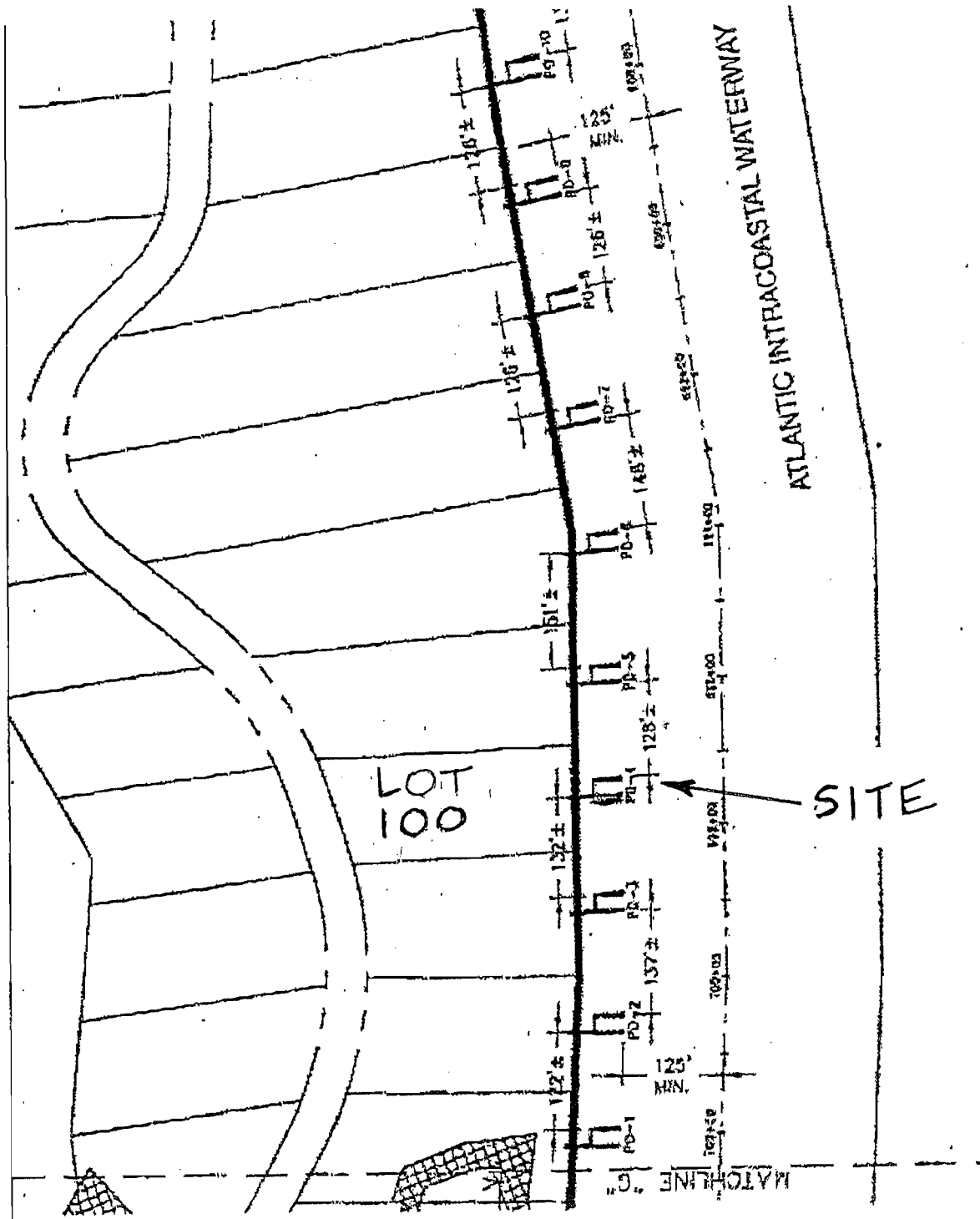
SITE PLAN

APPLICANT: Benjy Hardee  
 ACTIVITY: Construct Floating  
 Dock & Boat Lift

P/N#

LOCATION: Barefoot Resort

COUNTY: Horry  
 DATE: 9/7/2005



DETAIL SITE PLAN

1" = 200'

APPLICANT:  
Benjy Hardee  
ACTIVITY: Construct Floating  
Dock & Boat Lift

LOCATION: Barefoot Resort

P/N#

COUNTY: HORRY  
DATE: 9/7/2005

SHEET 3 of 5

NOTE:  
EDGE OF FLOAT NOT TO GO BEYOND EDGE OF PIER.

PROPOSED BOAT LIFT

PIER, RAMP & FLOAT  
P/N 98-1X-304

PROPOSED 8'x50' FLOAT

ADJUSTING RAMP

FIXED RAMP

FIXED PIER

PROPERTY LINE

TOP OF BANK

VARIES

20' MIN.

20' MIN.

65.0'

125' MIN.

40.0'

8.0'

8.0'

8.0'

16.0'

28.0'

22.0'

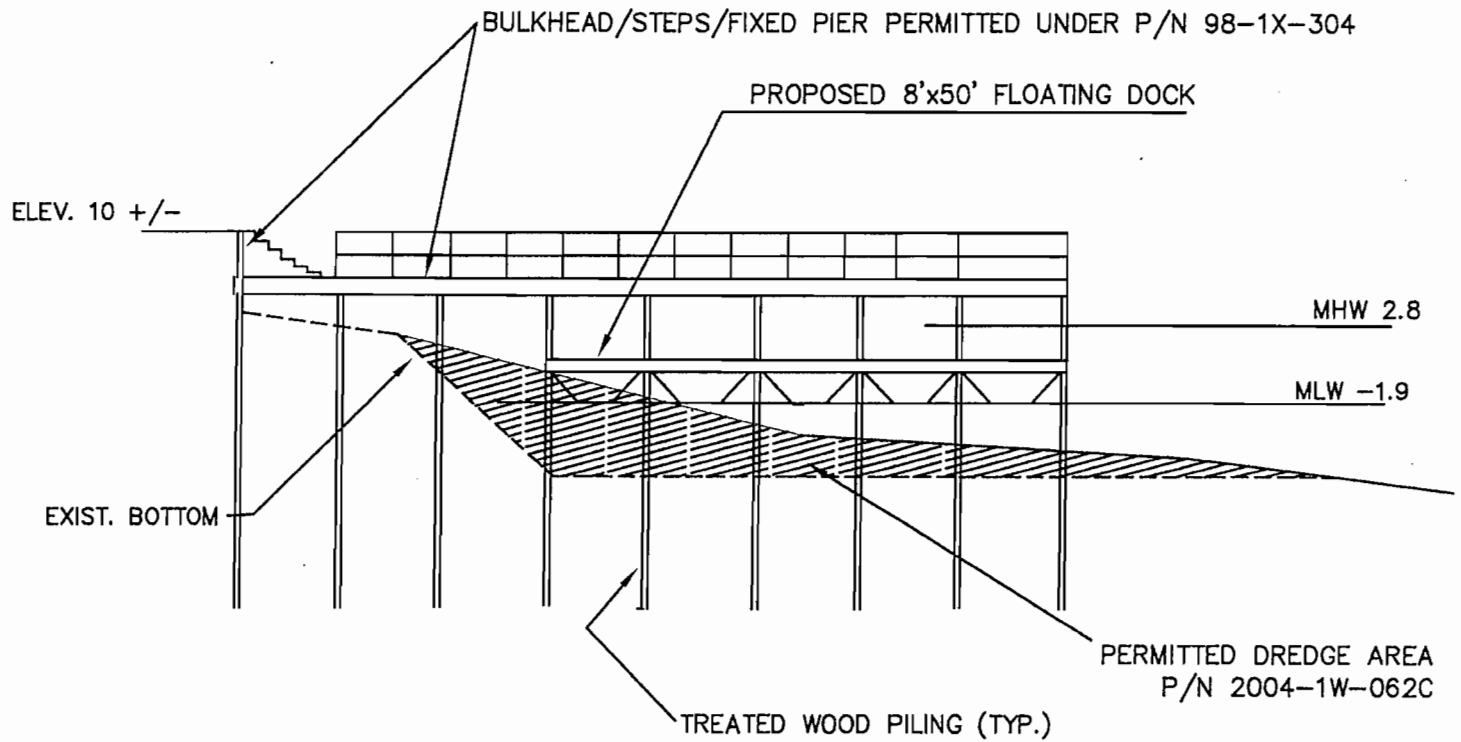
4.0'

22.0'

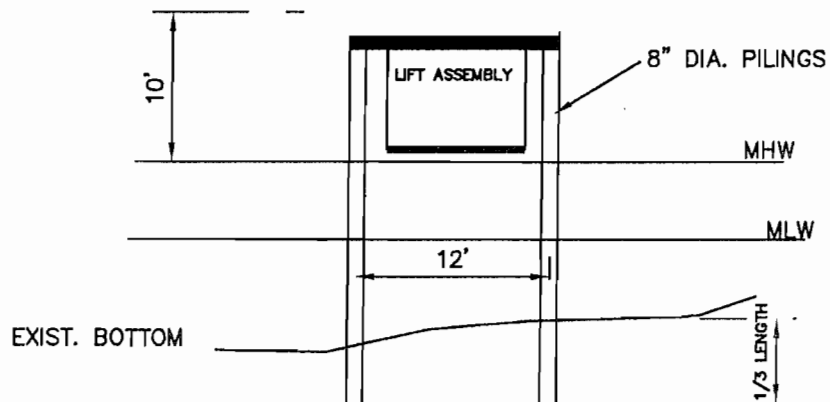
6.0'

SCALE: 1"=20'

SHEET 4 of 5



SECTION A-A - FLOATING/FIXED DOCK  
NTS



SECTION B-B - PROPOSED BOAT LIFT  
NTS

APPLICANT:  
Benjy Hardee  
ACTIVITY: Construct Floating  
Dock & Boat Lift

P/N#

LOCATION: Barefoot Resort

COUNTY: HORRY  
DATE: 9/7/2005

SHEET 5 of 5